

Private Admonition - Board Case No. 53, 1997. Date of Sanction: December 5, 1997. A panel of the Preliminary Review Committee of the Board on Professional Responsibility offered a private admonition, with conditions, to an attorney as a result of its finding that there was probable cause to conclude that the attorney had violated Rule 8.4(c) of the Delaware Lawyers' Rules of Professional Conduct ("Rule"). Rule 8.4(c) states: "It is professional misconduct for a lawyer to engage in conduct involving dishonesty, fraud, deceit or misrepresentation." The attorney accepted the imposition of a private admonition under Board Rule 8(a)(6).

On two occasions the lawyer instructed a paralegal to notarize the signatures of individuals who had signed documents outside the presence of the paralegal. On one occasion the lawyer asked the paralegal to notarize the signature of a client who was still present but who had signed the document before the paralegal entered the room. On another occasion the lawyer asked the paralegal to notarize the lawyer's own signature which was sent to the paralegal by facsimile. The panel of the Preliminary Review Committee of the Board on Professional Responsibility considered that the lawyer had changed the language of the notary statement so that it did not specifically state that the documents were signed in the presence of the notary public, but determined that the language changes were insufficient to override the false notarizations.

As a condition of the sanction, the lawyer was required to circulate a memorandum to all employees of the lawyer's law firm which advised them of the serious issues involved in false notarization and reminded them that the formalities of said process must be strictly observed. It was required that a copy of the August 28, 1992 memorandum circulated to all Delaware attorneys by the Board on Professional Responsibility be attached to the memorandum. In addition, the private admonition was conditioned on the payment by the lawyer of the costs of the investigation by the Office of Disciplinary Counsel. The lawyer had no prior disciplinary record.